

# Exhibit N

**Briefing Paper for Call with MDEQ on July 21, 2015**

**MDEQ Implementation of LCR Rule and Flint Issues**

**Call Notes**

**Issue #1: Is there a public health concern regarding lead in Flint or other regulatory requirements?**

- The 90<sup>th</sup> percentile results of the 2<sup>nd</sup> round of monitoring was 11 ppb.
- The population has dropped to under 100,000 and therefore the 1<sup>st</sup> round of 6-month monitoring was done for 100 samples, but the 2<sup>nd</sup> round only needed 60 samples.
- Customer-requested samples were included, but MDEQ did not have specifics on how many there were.
- Given the results, MDEQ's plan would be to send a letter to Flint telling them they need to complete a corrosion control study – based on results they are not optimized.
- Tinka asked about the timeline for Flint to switch over the Lake Huron water source. MDEQ said the pipeline is under construction and scheduled to be complete by July 2016. MDEQ expects some delays and thinks a more realistic timeframe is October 2016.
- MDEQ explained that Flint would have 18 months to complete the corrosion control study and the complicating factor of switching over to Lake Huron. Should the corrosion control study be based on the Lake Huron source? MDEQ also explained that once Flint is using Lake Huron water that they would then need to complete 2 more rounds of 6-month monitoring.
- We briefly discussed whether MDEQ could waive the study requirement for Flint and have them start pH adjustments and adding phosphates.
- The Region raised its concern about looking at treatment more comprehensively to ensure problems with DBPs didn't occur. MDEQ stated that Flint is on the brink of DBP compliance and that bacteriological issues haven't occurred since last year. Any adjustments for corrosion control treatment would need to make sure the other issues weren't exacerbated.
- EPA again offered the assistance of ORD staff, Darren Lytle and Mike Schock which MDEQ said they had shared with Flint already.
- MDEQ was willing to initiate discussion with Flint sooner rather than later on corrosion control.

**Issue #2: Discuss optimal corrosion control requirements**

**Discussion Items:**

- MDEQ explained that they did not treat the switch to Flint River water as a "new system", but as a new source. It is their understanding that 2 rounds of 6-month monitoring is still needed to characterize the water quality. They don't know what is optimized until those 2 rounds of 6-month monitoring are completed.
- The Region noted that under 141.81(b)(3)(iii) that any system that has been deemed optimized must notify the State of any long-term change in treatment or the addition of a new source. The State must review and approve the change and may require any such system to conduct additional monitoring or other action to ensure that the systems maintain minimal levels of corrosion in the distribution system.



The State's requirement for 2 additional rounds of 6-month monitoring would fall under the "additional monitoring" prescribed by the State and not the initial 2 rounds of 6-month monitoring for new systems.

- The Region explained that they have talked to HQ about the interpretation of regulations and believes that systems that have been deemed optimized need to "maintain" corrosion control. The Region agreed to provide supporting regulatory citations for the language about maintaining corrosion control. Ed Moriarty in OGWDW is also consulting OGC on this topic and the OGC opinion will also be shared.
- MDEQ mentioned that there are other communities that may leave the Detroit system or connect to the new Lake Huron pipeline, but many of those either don't need to treat for corrosion control or will be building new treatment plants.

### **Issue #3: Discuss Pre-flushing (as time allows)**

- Michigan is the only Region 5 State that requires pre-flushing.
- Lead compliance sampling procedures in the state of Michigan comply with Federal SDWA requirements which calls for a minimum of 6 hours during which there is no water used from the tap the sample is taken from.
- MDEQ is not interested in changing its position on pre-flushing until new regulations come out. They also pointed out that the pre-flushing instructions are not requirements, but suggestions.
- The Michigan pre-flushing instructions were developed as a way to ensure the proper faucets are being used for sampling.

### **Next Steps:**

- MDEQ will send a letter to the City of Flint regarding the 2 rounds of 6-month monitoring results that exceed 5 ppb and the need for a corrosion control study.
- The Region commented that we now have a path forward despite a difference of opinion on the regulatory interpretation that was used for the Flint decision.
- Region 5 will research and get back to MDEQ on the 141.81 (3)(b)(5) citation regarding large systems complying with medium system requirements and the ability to waive a CCT study. In addition, since the population has dropped below 100,000 the Region will evaluate other regulatory changes due to Flint's change to a medium-sized system.
- MDEQ and the Region were in agreement that it is important to get phosphate addition going in Flint as soon as possible. MDEQ mentioned tapping Mike Shock for help with this in the interim.